

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA

v.

ERIC ROJO

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Case No. 07-827 (PGS)

**AMENDED ORDER ON DEFENDANT'S  
MOTION IN LIMINE  
TO SUPPRESS EVIDENCE**

**WHEREAS**, this matter having come before the court on a motion in limine brought by Kevin F. Carlucci, Assistant Federal Public Defender, attorney for defendant, Eric Rojo, to exclude evidence of defendant's prior purchase and/or obtaining of cocaine from co-defendant, Alberto Valencia-Mosquera, under Fed. R. Evid. 404(b); and the motion having been opposed Matthew E. Beck, Assistant United States Attorney; and the court having reviewed the papers submitted by both parties and oral arguments by both parties, and

**WHEREAS**, it appears that the evidence proffered by the Government as to defendant's prior purchase and/or obtaining of cocaine from Valencia-Mosquera and sought to be excluded by the defense 1) has a proper purpose under Rule 404(b) to show defendant's knowledge that Valencia-Mosquera was an individual who obtained and sold illegal narcotics; 2) is relevant to proving the knowledge element of the crimes with which defendant is charged under Rule 402; 3) has a probative value that outweighs its potential for unfair prejudicial effect under Rule 403; and 4) may be examined by the jury in light of an appropriate limiting instruction given at trial,

IT IS on this 16<sup>th</sup> day of September, 2008;

**ORDERED** that the defendant's motion to exclude evidence of defendant's prior purchase and/or obtaining of cocaine from Valencia-Mosquera be and is hereby denied. The Government may introduce evidence of defendant's prior purchase of cocaine during the one-year period prior to the incident alleged in the indictment. *See Huddleston v. United States*, 485 U.S. 681, 691-92 (1988); *United States v. Lopez*, 340 F.3d 169, 172-74 (3d Cir. 2003); *United States v. Vega*, 285 F.3d 256, 261 (3d Cir. 2002). Defendant should prepare an appropriate limiting instruction for the court to deliver at trial.

This Order amends the Order entered on September 15, 2008.

  
PETER G. SHERIDAN, U.S.D.J.